

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

LORI GREINER,)	
An Individual,)	
)	
Plaintiff,)	
AND)	
)	
FOR YOUR EASE ONLY, INC.)	
An Illinois Corporation,)	
)	
Plaintiff,)	Civil Action No. 07 C 6451
)	
v.)	
)	The Honorable Jude Charles Norgle
CVS PHARMACY, INC.)	
A Rhode Island Corporation,)	Magistrate Judge Susan Cox
)	
Defendant, and)	
)	
ATICO INTERNATIONAL USA, INC.,)	JURY TRIAL DEMANDED
A Delaware Corporation)	
Defendant.)	

JOINT INITIAL STATUS REPORT

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, Lori Greiner and For Your Ease Only and CVS Pharmacy, Inc. and Atico International USA, Inc. hereby submit the following Initial Status Report.

1. Nature Of Claims And Counterclaims

This is a case involving claims of patent infringement. This Court has original jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a). Venue in this district is proper under 28 U.S.C. §§ 1391(c) and 1400(b). Plaintiffs claim that Defendants have infringed U.S. Patent No. D 528,840 (“the ‘840 Patent”) entitled “Jewelry Storage Container.” Defendants deny that an identified product infringes any valid claim of the '840 patent. Defendants’

affirmative defenses include non-infringement and invalidity and/or unenforceability of the '840 patent. No counterclaims have been asserted.

2. List Of Pending Motions And Brief Summary Of Bases For Motions

There are no motions pending at the present time. The parties recognize the need for and negotiated and filed a protective order to govern the treatment of confidential discovery materials.

3. Proposed Discovery Limits

The parties propose that the limits on discovery set forth in the Federal Rules of Civil Procedure should govern.

4. Rule 26(f) Planning Report

The parties provide the following pursuant to the requirements of Rule 26(f).

(1) Counsel exchanged their initial disclosures required by Rule 26(a)(1). The parties have begun discovery.

(2) Discovery will be needed to determine whether the accused product infringes the '840 patent; whether the '840 patent is invalid; and the amount of any damages, or other relief to which either party may be entitled on account of the other's actions. Plaintiffs believe discovery may include survey and expert evidence. Discovery including expert discovery shall be completed by January 9, 2009. Plaintiffs may seek a limited stay in discovery pending the outcome of the *en banc* decision in *Egyptian Goddess, Inc. v. Swisa, Inc.*, United States Court of Appeals for the Federal Circuit, docket no. 2006-1562. Defendants do not believe a stay is appropriate.

(3) The parties propose the deadline for amendments to the pleadings to join parties is June 11, 2008.

(4) Production of electronic discovery shall be in accordance with the e-discovery revisions to the Fed. R. Civ. P. effective December 2006 Electronic mail shall be discoverable.

5. Estimation Of When The Case Will Be Ready For Trial

The case will be ready for a pretrial conference in accordance with the Court's Scheduling Order and for trial at the Court's earliest convenience following the submission of the Pretrial Order.

6. Probable Length Of Trial

Plaintiffs will require 3 days to present its case-in-chief. Defendants estimate 2 days will be needed to present its defenses.

7. Request For Jury Trial

A jury trial was requested.

8. Status Of Settlement Discussions

The parties have discussed settlement, but it appears that efforts to reach a settlement have been exhausted at this time.

9. Consent To Proceed Before A Magistrate Judge

The parties consent to disposition of all discovery matters before a Magistrate, but not to trial or dispositive motions, which should be conducted by the District Court Judge.

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***Attorneys for CVS Pharmacy, Inc. and
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CERTIFICATE OF SERVICE

I the undersigned do hereby certify that on May 28, 2008, I caused a copy of the foregoing **JOINT INITIAL STATUS REPORT** to be filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the below-listed party:

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